

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to replacement of driver’s license or nonoperator’s identification card and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 602, “Classes of Driver’s Licenses,” Chapter 605, “License Issuance,” and Chapter 630, “Nonoperator’s Identification,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.189 as amended by 2019 Iowa Acts, Senate File 303, section 1, and Iowa Code section 321.190.

Purpose and Summary

This proposed rule making corrects a cross reference in Chapter 602 and updates Chapters 605 and 630 to conform the rules with 2019 Iowa Acts, Senate File 303, which amends Iowa Code section 321.189 to allow a person attaining the age of 21 to apply electronically for a replacement driver’s license or nonoperator’s identification card for the unexpired months of the credential. The cost of a replacement driver’s license or identification card is the same \$10 charge regardless of whether the person obtains the replacement electronically, uses a self-serve kiosk, or comes in person to a driver’s license service center. Prior to the law change, the Department did not offer electronic replacement of a license or identification card, but the person could obtain a replacement credential in person or by using a self-serve kiosk. A person has been able to obtain an electronic renewal of a license or identification card for several years, and where applicable, the proposed amendment mirrors the existing criteria for eligibility to renew the license or identification card electronically. The reason the law targets electronic replacement of a credential for a person upon attaining the age of 21 is because that is the age that the license or identification card can be issued with a horizontal rather than a vertical orientation and that is the age when the credential is no longer required to contain the phrase “under twenty-one.”

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on November 12, 2019. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

A public hearing to hear requested oral presentations will be held as follows:

November 14, 2019
10 a.m.

Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 602.2(4) as follows:

602.2(4) *Passenger restriction for intermediate licensee.* The passenger restriction required by Iowa Code ~~subsection~~ section 321.180B(2) will be added to an intermediate license unless waived by the licensee's parent or guardian at the time the license is issued. If the restriction is not waived at the time the license is issued, the intermediate license will be designated with a "9" restriction with the following notation: "Only 1 unrelated minor passenger allowed until [six months from the date the license is issued]." The licensee must obey the restriction for the first six months after the intermediate license is issued. If a parent or guardian wishes to waive the passenger restriction after the license has already been issued, the licensee and the parent or guardian must apply for a duplicate license and pay the replacement fee pursuant to ~~761—subrule 605.11(3)~~ 761—subrule 605.11(4).

ITEM 2. Amend rule 761—605.11(321) as follows:

761—605.11(321) Duplicate license.

605.11(1) and **605.11(2)** No change.

605.11(3) *Replacement upon attaining the age of 21.* A licensee, upon attaining the age of 21, who is otherwise eligible for a driver's license is eligible to electronically apply for a replacement driver's license under this rule for the unexpired months of the license, regardless of whether the most recent issuance occurred electronically.

a. Except for the requirements in subparagraphs 605.25(7)"a"(1) and 605.25(7)"a"(2), the licensee must meet the eligibility requirements listed in paragraph 605.25(7)"a" to replace the license electronically and must also meet the following criteria:

- (1) The licensee must be at least 21 years old.
- (2) The licensee must currently hold a driver's license marked "Under 21" as provided in Iowa Code section 321.189.

b. Notwithstanding any other provision of this chapter to the contrary, the department may accept an electronic replacement application if the licensee seeks replacement of a special instruction permit or a license with a single "J" restriction accompanied by a "9" restriction.

~~605.11(3)~~ **605.11(4)** *Fee.* The fee to replace a license is \$10.

This rule is intended to implement Iowa Code sections 321.13, 321.189 as amended by 2019 Iowa Acts, Senate File 303, section 1, 321.195 and 321.208, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

ITEM 3. Amend paragraph **605.12(1)"a"** as follows:

a. Submitting the address change in writing to the Driver and Identification Services Bureau, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; or

ITEM 4. Amend rule 761—630.3(321) as follows:

761—630.3(321) Duplicate card.

630.3(1) and **630.3(2)** No change.

630.3(3) *Replacement upon attaining the age of 21.* A cardholder, upon attaining the age of 21, who is otherwise eligible for a nonoperator's identification card is eligible to electronically apply for a replacement card under this rule for the unexpired months of the card, regardless of whether the most recent issuance occurred electronically.

a. Except for the requirements in 761—subparagraphs 605.25(7)"a"(1) and 605.25(7)"a"(2), the cardholder must meet the eligibility requirements listed in 761—paragraph 605.25(7)"a" to replace the card electronically and must also meet the following criteria:

- (1) The cardholder must be at least 21 years old.
- (2) The cardholder must currently hold a nonoperator's identification card marked "Under 21" as provided in Iowa Code section 321.190.

b. Reserved.

~~630.3(3)~~ **630.3(4)** *Fee.* The fee to replace a nonoperator's identification card is the same amount as the fee required to replace a driver's license. See 761—~~subrule 605.11(3)~~ 761—subrule 605.11(4).